

# EXHIBIT 2

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

The Woodlands Pride, Inc.; Abilene Pride Alliance; Extragrams, LLC; 360 Queen Entertainment LLC; Brigitte Bandit,

Plaintiffs,

Civil Action No. 4:23-cv-02847

v.

Angela Colmenero, in an official capacity as Interim Attorney General of Texas; The Woodlands Township; Montgomery County, Texas; Brett Ligon, in an official capacity as District Attorney of Montgomery County; City of Abilene, Texas; Taylor County, Texas; James Hicks, in an official capacity as District Attorney of Taylor County; Delia Garza, in an official capacity as County Attorney of Travis County; Joe D. Gonzalez, in an official capacity as District Attorney of Bexar County,

Defendants.

**DECLARATION OF JASON ROCHA**

Pursuant to 28 U.S.C. § 1746, Jason Rocha declares:

1. My name is Jason Rocha. I am over twenty-one (21) years of age and am fully competent to testify about the matters contained herein. The following statements are made within my personal knowledge and are true and correct.

2. I am the Founder and President of The Woodlands Pride, Inc. (“The Woodlands Pride”). I am a U.S. Army veteran, and I have been the President of The Woodlands Pride since it was founded in 2018.

3. The mission of The Woodlands Pride is to connect, celebrate, educate, and foster relationships in the LGBTQIA+ community while promoting equality, unity, and love in The Woodlands and beyond. I had the idea to establish the organization in April 2018 while on a walk in The Woodlands with my then-fiancé, now husband. We realized that we had grown tired of driving from The Woodlands to Houston for acceptance and to participate in activities with the LGBTQIA+ community. We spoke about the difficulties of growing up as LGBTQIA+ children in the suburbs and discovered that we had the opportunity to showcase and support the LGBTQIA+ community in The Woodlands, where we lived. So, within the next four months, I established The Woodlands Pride and our board, and we hosted our first Pride Festival, which was attended by approximately 5,000 people. I am proud that our organization serves as a haven for LGBTQIA+ community members and allies and has made inroads into increasing the acceptance and inclusion of the LGBTQIA+ community in The Woodlands as a whole.

4. Since our founding, we have hosted our Pride Festival every year, except for 2020. Our Pride Festival is open to everyone and all ages, is one of the largest free pride festivals in the state and reflects The Woodlands’ family-oriented community. One of our Festival’s priorities is to uplift and celebrate the most marginalized and vulnerable members of our community, including transgender and nonbinary people.

5. All of our Festivals have also heavily featured drag performers, and their drag performances are one of the most popular aspects of our Festivals and one of the primary draws for attendees. A typical drag performer wears costumes and accessories—like wigs, makeup, and

traditionally masculine or feminine clothing—to exaggerate and sometimes challenge gender stereotypes. A typical drag performance at our festival involves one or more drag artists dancing and lip-syncing to popular music in costume. One of our board members has even emceed our Festival in drag most years. I consider our drag performances to be one of the main sources of entertainment, pride, and joy at our Festival. Our drag performances also give us a competitive advantage over other local festivals that do not feature drag performers.

6. As anti-drag and anti-LGBTQIA+ rhetoric has intensified over the past year, The Woodlands Pride has been targeted by agitators and protestors. Our October 2022 Pride Festival had a notably higher presence of protestors than in past years. At least one protestor was openly carrying a firearm. Others harassed our attendees with questions about “gender mutilation” and held signs with anti-LGBTQIA+ messages like “Stop Being Gay” and “Recriminalize Same-Sex Marriage.”

7. Further, in July of 2023—just weeks after Governor Abbott signed SB 12 into law—The Woodlands Pride marched in the South Montgomery County Fourth of July parade. Some of our members wore tutus and waived pride flags. Some, like my husband and I, held hands. Since the parade, which was sponsored by The Woodlands Township, anti-LGBTQIA+ activists have attended Township board meetings to complain about our participation in the parade. They have falsely and publicly accused us of being “groomers and pedophiles.” We worry that the advocacy of the activists could pressure The Woodlands Township to take adverse action against us under the Drag Ban.

8. I fear that common aspects of our drag performances could be criminalized or otherwise prohibited by the Drag Ban. I also fear that because the Drag Ban does not define “performer” or “performance,” regular Festival attendees who may just be dancing or singing in

the audience near the stage area may also be accused of giving a “sexually oriented performance.”

9. The drag performers and emcees at our Festivals typically use accessories or prosthetics—like wigs, makeup, high heels, panty hose, earrings, and padded bras—that could be said to “exaggerate male or female sexual characteristics.” They also perform dance routines that contain gestures or gesticulations that could be interpreted as “sexual” or “represent[ing] . . . simulated . . . sexual acts” by others. While The Woodlands Pride and I believe that the performances are appropriate for the diverse audience of the Festival, we cannot control or predict what public officials view as “sexual” and reasonably fear that we would be targeted by SB 12.

10. Further, drag performers and attendees at our past Festivals have sometimes danced with each other during performances and may have pretended to, or actually, touched each other’s butts or hips in what could be characterized as “actual . . . or simulated contact occurring between one person and the buttocks . . . of another person.”

11. Some of our performers and Festival attendees have also worn speedos and bikinis, which could be considered by some to be “the exhibition or representation, actual or simulated, of male or female genitals in a lewd state.” Although from my perspective, these articles of clothing are not “lewd,” I fear that, because the term is undefined and may have a subjective meaning, others, including public officials, may accuse our performers and attendees of representing genitals in a “lewd state.”

12. The Woodlands Pride believes in sexual health and safe sexual practices. In the past, we have allowed our exhibitor participants—including at sexually transmitted infection screening booths—to hand out condoms and sexual lubricant to attendees. I fear this could

expose us to being targeted and accused of “the exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals.”

13. I also fear that some, including state and local government officials, may accuse our performers and attendees of acting in ways that “appeal[] to the prurient interest in sex.” I would disagree with that characterization, but I am acutely aware of some lawmakers’ and other people’s false perception of all LGBTQIA+ events and performances as being inherently sexually explicit. As I previously described, The Woodlands Pride members have been accused of being “groomers and pedophiles” for simply marching in a family friendly Fourth of July parade. I am also aware that, as SB 12 passed through the legislature, prominent lawmakers falsely referred to all drag shows as “sexually explicit” and as mechanisms for “grooming” children.

14. Finally, I worry that SB 12’s broad definition of “nude” could also subject someone at our Pride Festival to civil or criminal sanctions. Even though no performer at our events is “nude” under my view of that term, the fact that “performer” is not defined and that “nude” is defined so broadly, the law could trigger harsh penalties for anyone who shows even a part of their breast or buttocks or has even a momentary wardrobe malfunction. This type of mishap could then result in The Woodlands Pride being punished or cancelled altogether due to SB 12.

15. Our Pride Festival is by far our largest event of the year and our primary fundraiser. Our 2022 Pride Festival generated almost \$100,000 in revenue from sponsorships, vendor fees, and alcohol sales.

16. We host our Pride Festival at the Town Green Park, which is owned by The Woodlands Township. To reserve the park for our Festival, The Woodlands Pride must first save

the date in The Woodlands Township’s calendar, which is called the “pre-approval process,” and then formally apply to seek a permit from The Township. In the past, our permit applications have noted that we plan to host drag performances at the Festival.

17. Our 2023 Pride Festival is scheduled for October 21, 2023, at Town Green Park. We have preliminarily reserved the date at Town Green Park through the “pre-approval process” but have not yet requested that The Township grant us full authorization or a permit for the event. We plan to wait until the last possible moment to apply for the permit—30 days before the scheduled event—in the hopes that we will know whether the Drag Ban will be enjoined and therefore reduce our risk of The Township rejecting our application.

18. The Woodlands Pride has also featured drag performers at other events, such as a June 2023 Pride Summit on a college campus and a Pride party at a local hotel. We are also planning to hold a gala in early 2024 in the showroom of a local car dealership, and we would like to feature drag performers at that event as well. Even though we have always envisioned this formal, evening event as being for adults only, I fear that we may still have to cancel the drag performances to ensure that we don’t incur the Drag Ban’s penalties.

19. My understanding of SB 12 is that The Woodlands Pride and its performers could be penalized for hosting a performance that is viewed by a person under the age of 18, even if this is not our intention or within our knowledge. It will likely be too burdensome, if not impossible, to ensure that everyone who might catch a glimpse of the drag performers would be 18 and older. For example, I worry about someone on the catering staff of our upcoming gala being 17 years old, a teenager sneaking into the event with a fake ID, or a family with kids simply walking past the car dealership and seeing our performers through the large showroom windows.

20. I have spoken with The Woodlands Pride board members about SB 12, and we do not know how to make sure that our future events comply with SB 12. Because the law is vague, overly broad, and fails to define some of its most important terms, we are unsure which, if any, drag performances will be legal once SB 12 takes effect. We are also fearful that performers or attendees who are not in drag, but who may challenge conventional gender stereotypes—like transgender and nonbinary people—could be accused of violating SB 12 at our events.

21. As a result of the law’s vagueness and broadness, and our uncertainty of how to comply with it, The Woodlands Pride’s future plans have been thrown into a state of doubt and disorder. We have already used up precious time and resources to plan two alternative Pride Festivals for this October—one that features drag performers and one that does not. Our board member who has traditionally emceed the Festival in drag has already decided to forego their drag performances this year, for fear of being subjected to a fine or jail time under SB 12.

22. If the Drag Ban takes effect, our Pride Festival and other community and fundraising events would be significantly disrupted.

23. Under SB 12, I fear that The Woodlands Township will deny our permit for the use of the park unless The Woodlands Pride guarantees that no drag performances would occur at the Festival. The Woodlands Township is likely aware of our Festival’s well-known and popular practice of featuring drag performers, and our organization has already been under intense public scrutiny due to the anti-LGBTQIA+ activists’ public comments at Township board meetings.

24. I also fear that, because SB 12 grants specific enforcement power to Montgomery County to restrict and regulate any “sexually oriented performance,” the County will restrict or stop our drag performances if the Drag Ban takes effect.



25. Even if local government officials do not stop or restrict our drag performances in advance, The Woodlands Pride may be forced to self-censor its drag performances to avoid SB 12's harsh civil or criminal penalties for our organization, attendees, and performers. For example, at our events and fundraisers in which we rent and therefore temporarily "control" a premises—like our upcoming fundraiser at a car dealership — our organization could incur SB 12's steep civil fines and face other Attorney General enforcement action. Further, if one of the performers at our events was accused of giving a "sexually oriented performance," The Woodlands Pride could also be accused of aiding and abetting that performance, and our organization, volunteers, and performers could be subject to criminal liability, including jail time.

26. If, through SB 12's chilling effect or the direct enforcement actions of government officials, The Woodlands Pride is forced to forgo drag performances at its Pride Festival and other events—or to somehow limit the events to adults only—our organization will suffer irreparable harm to our First Amendment rights, to our image and standing in the community, and to our financial health.

27. Our organization's vision, mission, and character are inextricably linked with, and expressed through, the art of drag. Our organization is also built on a commitment to the inclusion of families and people of all ages. Stopping or limiting our drag performances would amount to the silencing and censorship of our organizational viewpoint. It would also further stigmatize the art of drag and send the message that it is morally wrong, which would directly contravene our mission of promoting equality for, and celebrating, the LGBTQIA+ community.

28. Stopping or age-limiting our drag performances would also risk a decline in attendees and in advertising, sponsorship, and sales revenue at our events, as our all-ages drag

performances are some of the most popular aspects of our Festivals and fundraisers. As a result, our organization would be placed at risk of financial hardship or collapse.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this the 8<sup>th</sup> day of August, 2023.

  
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Jason Rocha